

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 8, 2006**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing: Conveyance of three parcels of land to the Blue Ridge Regional Jail Authority**

RECOMMENDATION:

Authorize the City Manager to execute a deed conveying the three parcels of land located at the intersection of Madison and Ninth Streets that are currently being used as a parking lot by the Blue Ridge Regional Jail Authority to the Authority.

SUMMARY:

When the Blue Ridge Regional Jail Authority was created the City conveyed several parcels of property located along Clay, Madison, Ninth and Tenth Streets (e.g. the old City Jail, the City-owned employee parking lot, etc.) to the Authority for the construction and operation of a regional jail facility. It was intended that the three parcels of property located at the intersection of Madison and Ninth Streets that are currently being used by the Blue Ridge Regional Jail Authority as a parking lot would also be conveyed to the Authority. However the City never actually got around to making the conveyance. The Blue Ridge Regional Jail Authority has asked that the parcels in question be conveyed to the Authority so it will own all of the property that is being used in the operation of the regional jail facility. State law requires the City to hold a public hearing before it can convey publicly owned property. The deed to the Blue Ridge Regional Jail Authority contains a provision for the reconveyance of the parcels to the City in the event the City decides to construct a parking deck on the property.

PRIOR ACTION(S):

The Physical Development Committee considered this matter on January 24, 2006 and recommended the conveyance of the three parcels to the Blue Ridge Regional Jail Authority.

FISCAL IMPACT:

Once the parcels are conveyed to the Blue Ridge Regional Jail Authority, the City will no longer have to maintain the parcels.

CONTACT(S):

Walter C. Erwin, 455-3973

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING THE TRANSFER OF A PARKING AREA TO THE BLUE RIDGE REGIONAL JAIL AUTHORITY.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Lynchburg hereby determines that it is in the City's best interest to transfer three parcels of land located at the intersection of Madison Street and Ninth Street known as Tax Map No. 024-44-002, Tax Map No. 024-44-003, and Tax Map No. 024-44-004 to the Blue Ridge Regional Jail Authority;

BE IT FURTHER RESOLVED that City Council hereby vacates for any public purposes those three parcels of land hereinabove described and hereby approves the transfer of these properties to the Blue Ridge Regional Jail Authority and authorizes the City Manager to execute a deed and such other documents as maybe necessary to complete the transfer of the properties to the Blue Ridge Regional Jail Authority.

Adopted:

Certified:

Clerk of Council

095LRes

The City of Lynchburg is exempt from recordation taxes pursuant to Sec. 58.1-811 A3 and 58.1-811 C4 of the Code of Virginia, 1950, et. seq.

THIS DEED, made and entered into this _____ day of _____, 2006, by and between the CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, party of the first part, GRANTOR; the BLUE RIDGE REGIONAL JAIL AUTHORITY, an authority organized and existing under the laws of the Commonwealth of Virginia, party of the second part, GRANTEE;

W I T N E S S E T H :

That, for and in consideration of the sum of One Dollar, (\$1.00), cash in hand paid, by the party of the second part to the party of the first part, and other valuable considerations, the receipt of all of which is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey, with General Warranty and English Covenants of Title, unto the party of the second part, the following described real estate, situate, lying and being in the City of Lynchburg, Virginia, being more particularly described according to said plat as follows, to-wit:

TAX MAP NOS. 024-44-002, 024-44-003, 024-44-004

All those three lots and parcels of land lying, situate and being in the City of Lynchburg and shown on a plat as Lot No. 123, recorded in Plat Cabinet 5 as Slide 155 entitled "Plat Showing the Survey of Lot 120, Lot 122, Lot 132, Lot 134, and part of Lot 121, City of Lynchburg, Virginia," dated April 11, 1996 made by Hurt & Proffitt, known as Tax Map Nos. 024-44-002, 024-44-003, 024-44-004, also known as 814 Madison Street, 824 Madison Street and 519 Ninth Street, respectively.

It is agreed between the parties hereto that if the Grantor decides to build a parking deck encompassing the hereinabove described property, the Grantor and Grantee will negotiate the reconveyance of said property to the Grantor for construction of said parking deck, with the proviso that the Grantee herein will be guaranteed comparable parking capabilities upon completion of said parking deck.

It is further agreed between the parties herein that the Grantor herein shall have the right of ingress and egress to access a refuse container located on a adjoining property. Said right of ingress and egress shall extend to the contract company who empties and/or replaces said refuse container.

The hereinabove described property is the same property conveyed to the party of the first part by a deed from the Lynchburg Redevelopment and Housing Authority which deed is dated May 16, 1978 and recorded in the Clerk's Office of the Circuit Court of Lynchburg in Deed Book 559, at page 312.

TO HAVE AND TO HOLD the above-described parcel of real estate unto the party of the second part, its successors and assigns, FOREVER.

This conveyance and the warranty and covenants of title herein contained are made subject to all valid and existing easements, restrictions, reservations and conditions of record now binding on the above-described real estate.

IN WITNESS WHEREOF, for the party of the first part by L. Kimball Payne, III, its City Manager, as of the day and year first above written.

CITY OF LYNCHBURG

_____(SEAL)
L. Kimball Payne, III
Its: City Manager

ATTEST:

Patricia W. Kost,
Clerk of Council

COMMONWEALTH OF VIRGINIA,

CITY OF LYNCHBURG, to-wit:

Acknowledged before me for the City of Lynchburg, by L. Kimball Payne, III, its
City Manager, this _____ day of _____, 2006.

Notary Public

My commission expires _____.

COMMONWEALTH OF VIRGINIA,

CITY OF LYNCHBURG, to-wit:

Acknowledged before me for the City of Lynchburg, by Patricia W. Kost, Clerk of
Council, this _____ day of _____, 2006.

Notary Public

My commission expires _____.